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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,159	05/29/2001	Semih Secer	10010461-1	9198

22878 7590 01/31/2007
AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER

DINH, KHANH Q

ART UNIT PAPER NUMBER

2151

MAIL DATE DELIVERY MODE

01/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/870,159

EXAMINER

ART UNIT

PAPER

20070107

DATE MAILED:

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Commissioner for Patents

Under the principle of compact prosecution, a telephone interview with the applicant's representative, Jacobs N. Erlich (Reg. No. 24,338) was initiated by the examiner on 8 January, 2007. Applicant is urged to rewrite the claim limitations based on his/her expertise so long as the claim 58 subject matter is included in independent claims 1, 27 and 43. The proposed amendment will accelerate prosecution by placing the application in condition for allowance. The period for reply is set to expire 30 days from the emailing date of this communication.

Khanh Dinh

Khanh Dinh
Primary Examiner
Art Unit: 2151



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NOTICE OF ALLOWANCE AND FEE(S) DUE

22878 7590 01/17/2007

AGILENT TECHNOLOGIES INC.
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,159	05/29/2001	Semih Secer	10010461-1	9198

TITLE OF INVENTION: SYSTEM AND METHOD FOR RECOVERING MANGEMENT OF NETWORK ELEMENT(S) RESPONSIVE TO FAILURE OF A DISTRIBUTED GATEWAY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$0	\$1400	04/17/2007

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,159	05/29/2001	Semih Secer	10010461-1	9198

TITLE OF INVENTION: SYSTEM AND METHOD FOR RECOVERING MANGEMENT OF NETWORK ELEMENT(S) RESPONSIVE TO FAILURE OF A DISTRIBUTED GATEWAY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$0	\$1400	04/17/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
DINH, KHANH Q	2151	709-224000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list
 (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date _____

Typed or printed name _____

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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ART UNIT

PAPER NUMBER

2151

DATE MAILED: 01/17/2007

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 822 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 822 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

09/870,159

Examiner

Khanh Dinh

Applicant(s)

SECER, SEMIH

Art Unit

2151

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/19/2006.
2. ☒ The allowed claim(s) is/are 1-4, 6-57.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ Including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Khanh Dinh
Primary Examiner
Art Unit: 2151

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jacob N. Erlich (the Undersigned Attorney, Reg. No.24,338) on 1/8/2006.

The application has been amended as follows:

IN THE CLAIMS:

Please cancel claim 58.

Please replace claims as follows:

Claim 1: (currently amended) A method of recovering management of one or more network elements, said method comprising:

communicatively coupling the one or more network elements with at least one a plurality of distributed gateways;

communicatively coupling the at least one distributed gateway with at least one gateway monitoring system;

communicatively coupling the at least one gateway monitoring system with a central management system;

monitoring operation, by the at least one gateway monitoring system, of the plurality of distributed gateways, each of the plurality of distributed gateways responsible for managing the one or more network elements;

detecting failure by the at least one gateway monitoring system, of one of the plurality of distributed gateways, wherein the detecting comprises the steps of:

means for determining at least one type of the failure,

means for distinguishing at least one source of the failure selected from the

group consisting of hardware failures, software failures, and

communication port failures,

means for presenting to the user at least one reason for the failure based on the

at least one type of the failure and the at least one source of the failure,

means for presenting to the user at least one action that could be taken by the

central management system to resolve the at least one failure, and

means for receiving at least one selection of the at least one action;

receiving a notice of the detected failure from the at least one gateway monitoring system at the central management system; and

responsive to said receiving step, recovering, by the central management system, management of the one or more network elements for which the failed one of the plurality of distributed gateways had management responsibility by assigning management responsibility to at least one other of the plurality of distributed gateways.

Claim 2: (previously presented) The method of claim 1 wherein said managing the one or more network elements includes translating from one protocol utilized by the one or more network elements to another protocol.

Claim 3: (original) The method of claim 1 wherein said plurality of distributed gateways are communicatively coupled to a processor-based management system.

Claim 4: (original) The method of claim 3 further comprising the step of:
said management system controlling said recovering step.

Claim 5: (cancelled)

Claim 6: (previously presented) The method of claim 1 wherein said detecting step further includes the step of: said one or more gateway monitoring systems polling said plurality of distributed gateways.

Claim 7: (previously presented) The method of claim 1 further comprising the step of:
said one or more gateway monitoring systems controlling said recovering step.

Claim 8: (original) The method of claim 1 further comprising the step of:
determining management activities for which a detected failed gateway is responsible for performing.

Claim 9: (original) The method of claim 8 further comprising the step of:

determining one or more available gateways from said plurality of distributed gateways, which are available for assuming at least a portion of said management activities of said detected failed gateway.

Claim 10: (original) The method of claim 9 wherein said one or more available gateways are a subset of said plurality of distributed gateways.

Claim 11: (original) The method of claim 9 wherein said available gateways are gateways local to said detected failed gateway.

Claim 12: (original) The method of claim 9 further comprising the step of:
grouping two or more of said plurality of distributed gateways.

Claim 13: (original) The method of claim 12 wherein said step of determining one or more available gateways, includes determining gateways that are included in a common grouping with said detected failed gateway.

Claim 14: (original) The method of claim 12 wherein said grouping is predetermined based at least in part on a criteria selected from the group consisting of:
gateway communication protocol, gateway location, and any user-defined criteria.

Claim 15: (original) The method of claim 9 wherein said recovering step further includes the step of:

distributing said management activities of said detected failed gateway to at least one of said one or more available gateways.

Claim 16: (original) The method of claim 15 wherein said distributing step further includes the steps of:

determining operational load of said available gateways; and

performing load balancing in distributing said management activities to said at least one of said one or more available gateways.

Claim 17: (original) The method of claim 16 wherein said load balancing is performed autonomously by a processor-based system.

Claim 18: (original) The method of claim 17 wherein said load balancing further comprises the steps of:

determining the operational load for each of said management activities; and

allocating said management activities to one or more of said available gateways in a manner that approximately balances each of their operational loads.

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Claim 19: (original) The method of claim 18 wherein said operational load of said available gateways is determined dynamically, and allocation of said management activities is determined based at least in part on said determined operational load of said available gateways.

Claim 20: (original) The method of claim 17 wherein said load balancing is performed according to a greedy algorithm.

Claim 21: (original) The method of claim 8 wherein said recovering step further includes the step of:

distributing said management activities of said detected failed gateway to at least one other of said plurality of distributed gateways.

Claim 22: (original) The method of claim 21 wherein said distributing step is autonomously performed by a processor-based system.

Claim 23: (original) The method of claim 21 wherein said distributing step further includes the steps of:

determining operational load of said available gateways; and

performing load balancing in distributing said management activities to said at least one other of said plurality of distributed gateways.

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Claim 24: (previously presented) The method of claim 1 wherein said plurality of distributed gateways are operable to translate from one plurality of different protocols to another plurality of different protocols.

Claim 25: (original) The method of claim 1 further comprising the step of:

user predefining at least one of said plurality of distributed gateways to be used in recovering management of one or more network elements for which a particular one of said plurality of distributed gateways has management responsibility in the event of a failure of said particular one of said plurality of distributed gateways.

Claim 26: (original) The method of claim 1 further comprising the step of:

user predefining criteria to be used in recovering management of one or more network elements in the event of a failure of one of said plurality of distributed gateways.

Claim 27: (currently amended) A system comprising:

plurality of network elements;

plurality of distributed gateways each communicatively coupled to one or more of said plurality of network elements, wherein each of said plurality of distributed gateways is responsible for managing one or more of said plurality of network elements;

gateway monitoring system communicatively coupled to said plurality of distributed gateways, wherein said gateway monitoring system is operable to detect failure of at least one of said distributed gateways;

means for determining at least one type of the failure;

means for distinguishing at least one source of the failure selected from the group consisting of hardware failures, software failures, and communication port failures;

means for presenting to the user at least one reason for the failure based on the at least one type of the failure and the at least one source of the failure;

means for presenting to the user at least one action that could be taken by the central management system to resolve the at least one failure;

means for receiving at least one selection of the at least one action; and

management recovery system communicatively coupled to said plurality of distributed gateways,

wherein said management recovery system is operable to autonomously recover management of said one or more network elements for which a detected failed gateway had management responsibility.

Claim 28: (original) The system of claim 27 wherein said management recovery system is operable to assign management responsibility of said one or more network elements for which said detected failed gateway had management responsibility to at least one other of said plurality of distributed gateways.

Claim 29: (previously presented) The system of claim 27 wherein said managing one or more of said network elements includes translation from one protocol utilized by said one or more network elements to another protocol.

Claim 30: (original) The system of claim 27 wherein said gateway monitoring system and said management recovery system are integrated on a common platform.

Claim 31: (original) The system of claim 27 wherein said gateway monitoring system is operable to poll said plurality of distributed gateways.

Claim 32: (original) The system of claim 27 wherein said management recovery system is operable to determine management activities for which said detected failed gateway is responsible for performing.

Claim 33: (original) The system of claim 32 wherein said management recovery system is operable to determine one or more available gateways from said plurality of distributed gateways, which are available for assuming at least a portion of said management activities of said detected failed gateway.

Claim 34: (original) The system of claim 33 wherein said one or more available gateways are a subset of said plurality of distributed gateways.

Claim 35: (original) The system of claim 33 wherein said available gateways are gateways local to said detected failed gateway.

Claim 36: (original) The system of claim 33 wherein said available gateways are gateways operable to translate a common communication protocol as said detected failed gateway.

Claim 37: (original) The system of claim 33 wherein said management recovery system is further operable to distribute said management activities of said detected failed gateway to at least one of said one or more available gateways.

Claim 38: (original) The system of claim 37 wherein said management recovery system is operable to determine operational load of said available gateways, and perform load balancing in distributing said management activities to said at least one of said one or more available gateways.

Claim 39: (original) The system of claim 38 wherein in performing said load balancing said management recovery system is operable to determine the operational load for each of said management activities, and allocate said management activities to one or more of said available gateways in a manner that approximately balances each of their operational loads.

Notice of References Cited	Application/Control No. 09/870,159	Applicant(s)/Patent Under Reexamination SECER, SEMIH	
	Examiner Khanh Dinh	Art Unit 2151	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,507,908	01-2003	Caronni, Germano	713/153
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
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FOREIGN PATENT DOCUMENTS

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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
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